

EXHIBIT 1

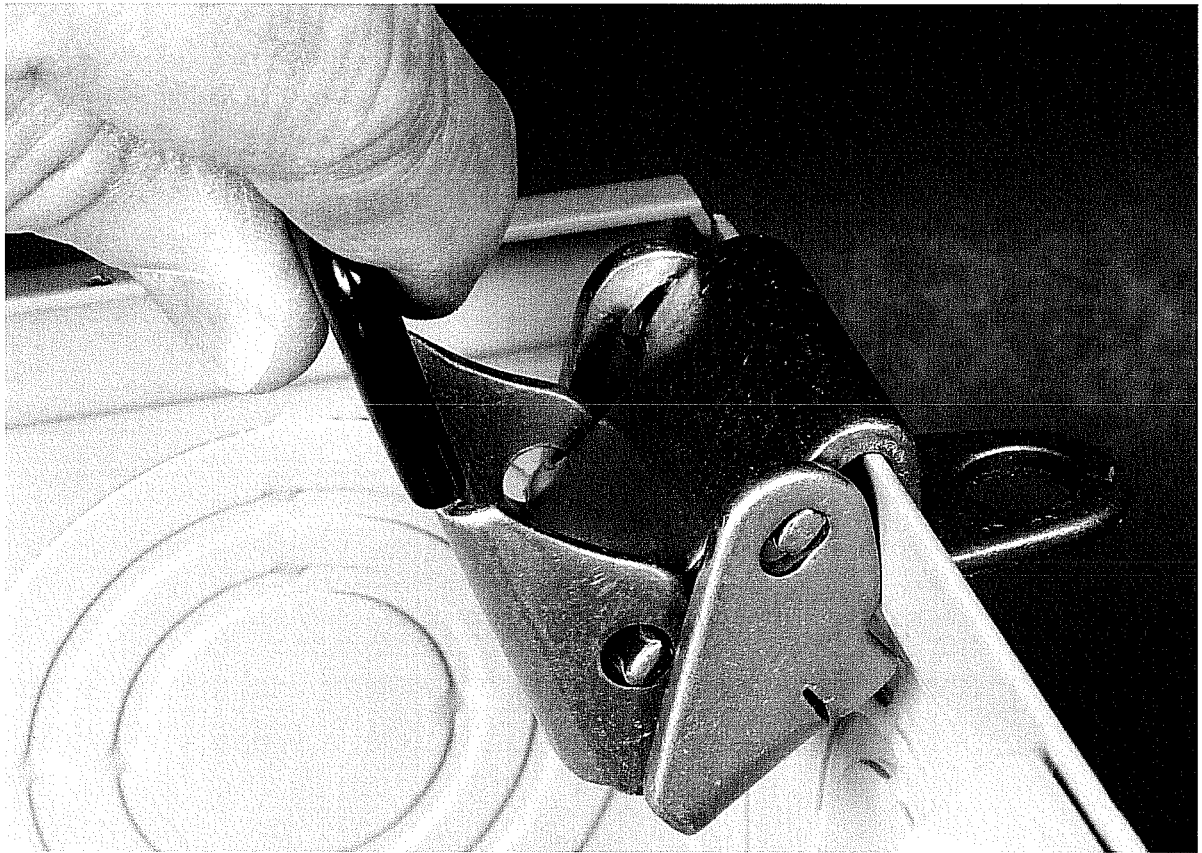
(part II of II)

TO PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO
RECONSIDER THE DECISION
DENYING SUMMARY JUDGMENT
AND TO STRIKE THE AFFIDAVITS

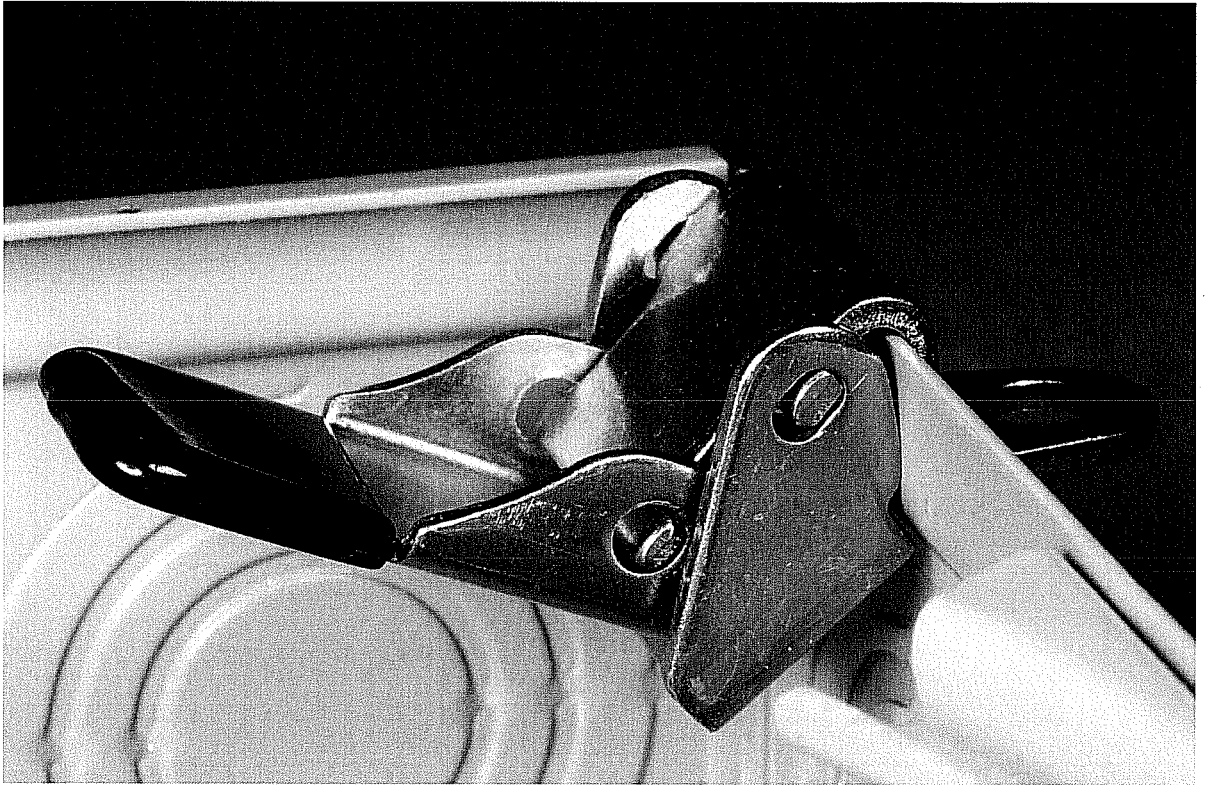
FILED DECEMBER 14, 2007

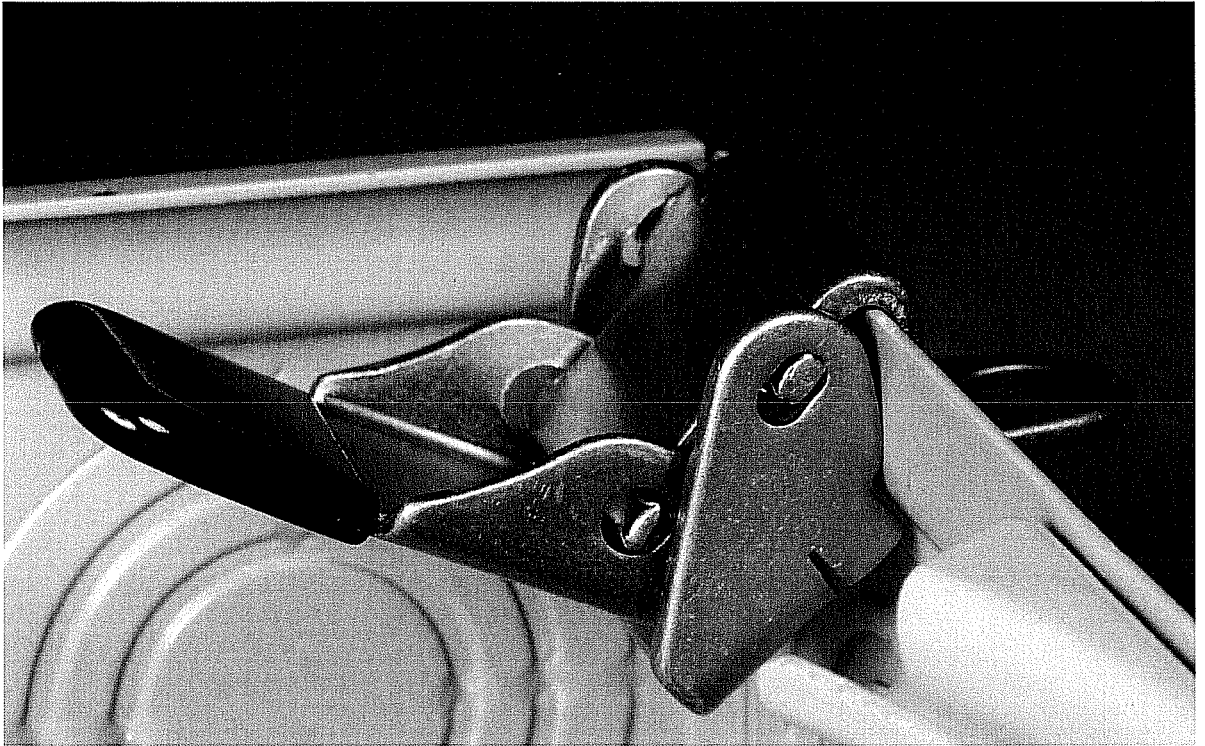
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04-40219 FDS

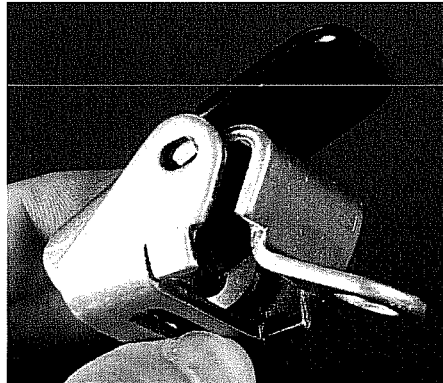


7. Next, once the front edges of the two side panels of the clamping member are in contact with the side wall of the utility box, additional force placed on the lever pushes the front edges of the two side panels against the interior of the side wall of the utility box, and this force on the side panels, acting in concert with the pressure of the first flange on the exterior of the side wall of the utility box, places the side wall of the utility box in sheer and bending, thereby clamping the bracket in place upon the utility box. The two photos below show the ProLock Products 1 and 2 brackets fully installed.





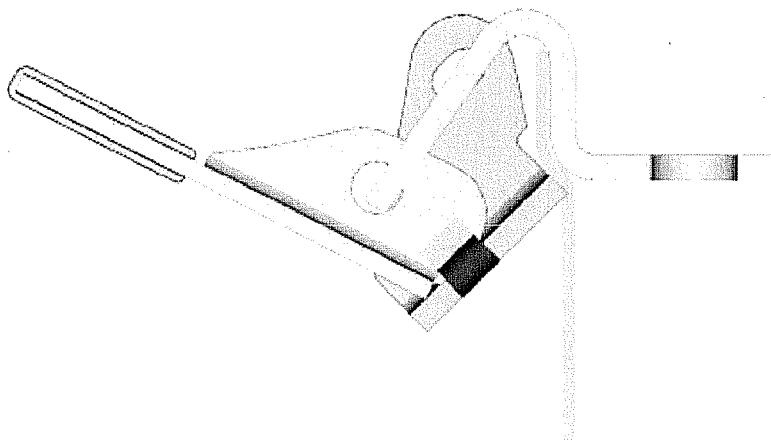
8. The two following photos of the ProLock Products 1 and 2 provide a perspective view on the space that separates the first and second flanges:



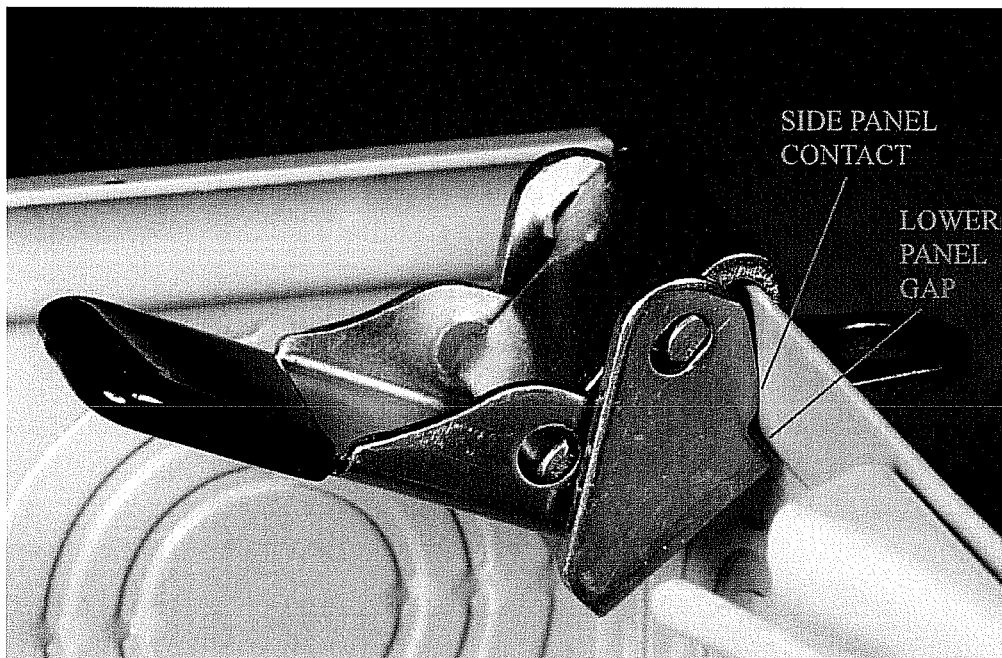
The lower panel (as well as the two side panels) of the clamping members on ProLock Product 1 and 2 never enter or cross into the wedge-shaped space between the first and second flanges. At no point during the installation of the ProLock Product is the lower panel of the clamping member located in the space that separates the first and second flanges. As a result, the lower

panels of the clamping member are not located between, or “in or through the space that separates,” the first and second flanges of the mounting bracket.

9. I have reviewed the Affidavit of Robert E. Rafferty and the attached drawings. There are a number of obvious inaccuracies in the drawings of the ProLock Product 1 and 2. Picture 3A of Exhibit A (shown below) purports to show the ProLock Product 1 when it is clamped in place. Picture 3A is inaccurate because it does not show the front edge of the two side panels of the clamping member in contact with the inner wall of the utility box. Instead, Picture 3A incorrectly shows the lower panel of the clamping member in direct contact with the inner wall of the utility box:



In the ProLock Product 1, the front edges of the two side panels of the clamping member, acting in concert with the pressure of the first flange on the exterior of the side wall of the utility box, place the side wall of the utility box in sheer and bending, thereby clamping the ProLock Product 1 in place upon the utility box. The photograph below of the ProLock Product 1 makes clear that the side panels, and not the lower panel, are in contact with the inner side wall of the utility box:

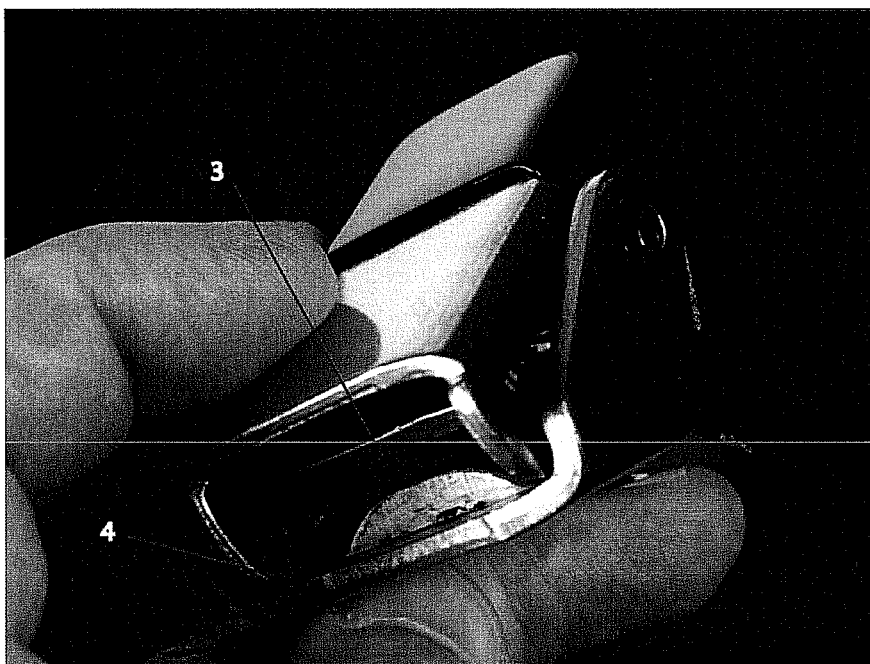


Thus, Picture 3A misrepresents the ProLock Product 1 by showing the front edges of the side panels of the clamping member not in contact with the inner wall of the utility box. Similarly, Picture 3A of Exhibit A is inaccurate because it shows the front edge of the lower panel in contact with the inner wall of the utility box and compressed against the ledge on the inner wall of the utility box. The ProLock Product has been designed to include a gap between the lower panel of the clamping member and the side wall of the utility box to accommodate variations in the dimensions of utility boxes from various manufacturers. This gap can be seen in the photographs above of the installed ProLock Product 1.

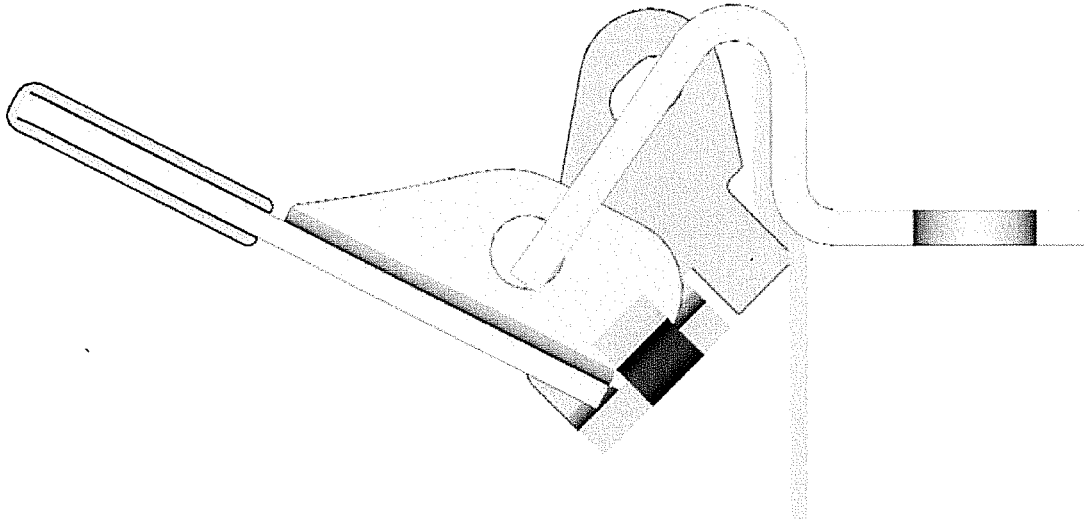
10. Pictures 1, 2A, 3A and 3B of Exhibit A are inaccurate and thus unreliable because the pictures do not show the pins of the bracket of the ProLock Product 1. The position of the pins determines the path of the movement of the two side panels and the lower panel, and their absence in this picture contributes to an inaccurate depiction of the operation of the ProLock Product 1. Other dimensional inaccuracies in the angle between the first and second flanges and

the shape of the front edge of the side panels contribute to the inaccuracy of the drawings of the ProLock Product 1.

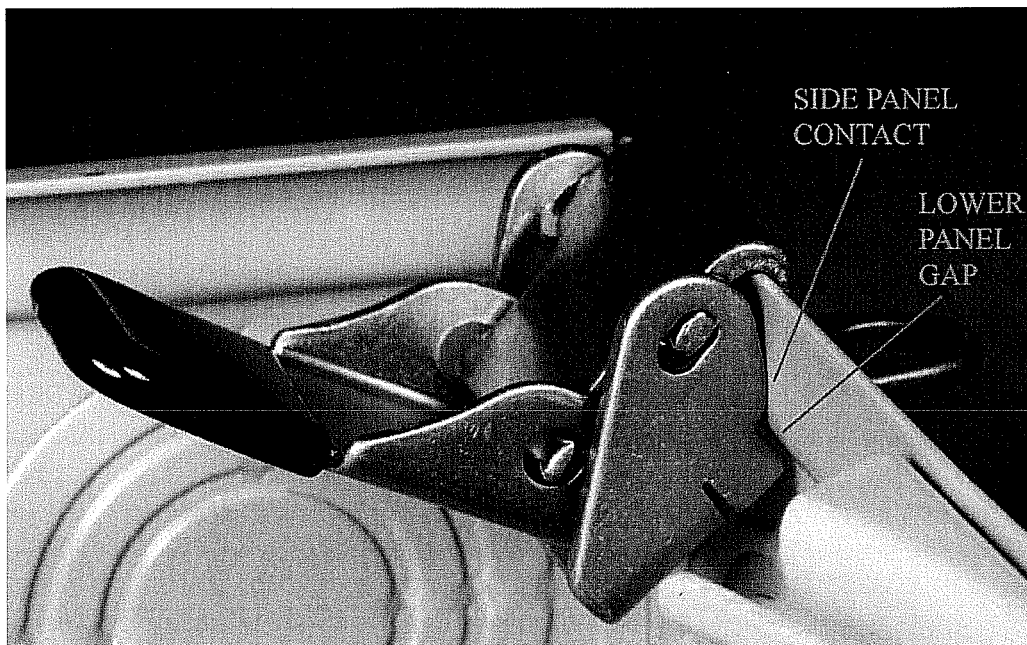
11. Pictures 2A and 2B of Exhibit A show the ProLock Product 1 without a lever. The ProLock Product 1 has a lever. In actual operation, it is not possible for the clamping member to touch the second flange of the mounting bracket because the lever is in between the clamping member and second flange. The photo below of the ProLock Product 1 shows that the lever 4 prevents the clamping member from touching the second flange 3. ProLock Product 2 works in a similar fashion:



12. Picture 3A of Exhibit B purports to show the ProLock Product 2 when it is clamped in place. Picture 3A is inaccurate because it does not show the front edge of the two side panels of the clamping member in contact with the inner wall of the utility box. Instead, Picture 3A incorrectly shows the engagement tabs of the clamping member in direct contact with the inner wall of the utility box:



In the ProLock Product 2, the front edges of the two side panels of the clamping member, acting in concert with the pressure of the first flange on the exterior of the side wall of the utility box, place the side wall of the utility box in sheer and bending, thereby clamping the ProLock Product 1 in place upon the utility box. The photograph below of the ProLock Product 2 makes clear that the side panels, and not the lower panel, are in contact with the inner side wall of the utility box:



Thus, Picture 3A misrepresents the ProLock Product 2 by showing the front edges of the side panels of the clamping member not in contact with the inner wall of the utility box. Similarly, Picture 3A of Exhibit B is inaccurate because it shows the engagement tabs of the lower panel in contact with the inner wall of the utility box and compressed against the ledge on the inner wall of the utility box. The ProLock Product 2 has been designed to include a gap between the engagement tabs of the clamping member and the side wall of the utility box to accommodate variations in the dimensions of utility boxes from various manufacturers. This gap can be seen in the photographs of the installed ProLock Product 2 above.

13. Pictures 1, 2A, 3A and 3B of Exhibit B are inaccurate and thus unreliable because the pictures do not show the pins of the bracket of the ProLock Product 2. The position of the pins determines the path of the movement of the two side panels and the lower panel, and their absence in this picture contributes to an inaccurate depiction of the operation of the ProLock Product 2. Other dimensional inaccuracies in the angle between the first and second flanges and

the shape of the front edge of the side panels contribute to the inaccuracy of the drawings of the ProLock Product 2.

14. Pictures 2A and 2B of Exhibit B show the ProLock Product 2 without a lever. The ProLock Product 2 has a lever. In actual operation, it is not possible for the clamping member to touch the second flange of the mounting bracket because the lever is in between the clamping member and first flange.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 6, 2006.



Binz DeWalch

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the NEF.

/s/ Denise W. DeFranco